

### **REMARKS**

Claims 1-16 and 36-39 were previously pending in this application. By this amendment, Applicant is canceling no claims. Claim 39 has been amended. No new claims have been added. As a result claims 1-16 and 36-39 are pending for examination with claims 1, 36 and 39 being independent claims. No new matter has been added.

#### **Information Disclosure Statement**

Page 3 of the Office Action states that the Information Disclosure Statement filed on October 29, 2007 fails to comply with 37 C.F.R. 1.98(a)(3) because the Information Disclosure Statement does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 C.F.R. 1.56(c) most knowledgeable about the content of the information. However, Applicant respectfully submits that 37 C.F.R. 1.98(a)(3)(i) only requires such an explanation when the “information listed is not in the English language.” The Information Disclosure Statement filed on October 29, 2007 did not list information not in the English language, and therefore, the concise explanation of the relevance is not required. Applicant respectfully requests that the Examiner make of record, and consider, the information included in the Information Disclosure Statement filed on October 29, 2007.

#### **Rejection Under 35 U.S.C. §112**

The Office Action rejected claim 39 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claim 39 have been amended to overcome this rejection by removing claim elements directed toward readable signals. Claim elements directed toward a computer readable medium find support in the specification as filed, for example, in paragraph [0025]. As these claim amendments may be verified by only a “cursory review by the examiner” (MPEP § 714.13), Applicant respectfully requests that the Examiner enter these amendments. Accordingly, withdrawal of this rejection of claim 39 is respectfully requested.

#### **Rejection Under 35 U.S.C. §101**

The Office Action rejected claim 39 under 35 U.S.C. §101, alleging the claimed invention is directed to non-statutory subject matter. Without acceding to the correctness of this rejection, claim 39 has been amended and as amended is drawn to an article of manufacture.

Thus, claim 39, as amended, meets the requirements of 35 U.S.C. §101. As these claim amendments may be verified by only a “cursory review by the examiner” (MPEP § 714.13), Applicant respectfully requests that the Examiner enter these claim amendments. Accordingly, withdrawal of this rejection is respectfully requested.

### Rejections Under 35 U.S.C. §102

Claims 1-16 and 36-39 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,442,706 to Steven B. Wahl et al. (hereinafter “Wahl”). Applicant respectfully traverses this rejection and requests reconsideration in light of the following comments.

Independent claim 1 is directed toward a system including “a sensor interface responsive to the processor and configured to receive environmental data.” Contrary to the assertions in the Office Action, Wahl does not disclose these claim elements.

Wahl is directed toward a “computer network remote data mirroring system [that] writes update data both to a local data device and to a local, chronologically sequenced journal storage area, or writelog device” (Abstract). Wahl discloses a “primary mirror daemon on a local computer system [that] monitors the writelog device for data updates” (Abstract). Wahl goes on to disclose “writelog device throttling [which] prevents a memory overflow condition by dynamically assigning memory to a writelog device.” (Abstract) Thus, Wahl discloses a data mirroring system that prevents data overflow on the mirroring device by assigning additional storage to the mirroring device as needed.

Wahl does not disclose “a sensor interface responsive to the processor and configured to receive environmental data” as recited in claim 1, as amended, because Wahl is not concerned with environmental data. Rather, Wahl is focused on preventing a specific logical state from occurring on a computer readable storage device, i.e. memory overflow on a writelog device. Even under a broad reading of these claim elements, one of ordinary skill in the art would not read “a sensor interface responsive to the processor and configured to receive environmental data” on an interface to the writelog device because the writelog device resides within the system itself and not in the environment surrounding the system.

Furthermore, the language of claim 1 is directed toward “a sensor interface” specifically “configured to receive environmental data.” In other words, the structure of the sensor interface is arranged to receive data with a particular type and corresponding structure, namely

environmental data. Therefore, the environmental data is functionally related to the sensor interface because the environmental data dictates, at least in part, the structure and function of the sensor interface.

Consequently, *In re Gulack*, which is cited on page 3 of the Office Action, is inapposite to the present application. As acknowledged in the Office Action, *In re Gulack* stands for the proposition that “when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability.” Here, however, the descriptive material (allegedly analogous to “the environmental data”) is functionally related to the substrate (allegedly analogous to “the sensor interface”). Thus, *In re Gulack* does not apply to the present application. Based on these reasons, Wahl does not disclose at least element of claim 1, as amended. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 2-16 depend from claim 1 and are allowable for at least the same reasons that claim 1 is allowable. Accordingly, withdrawal of the rejection of those claims is respectfully requested.

Independent claim 36 is directed toward a method for processing data from a sensor including, among other acts, an act of “receiving, by the implemented kernel-mode device driver, environmental data via a sensor interface.” Independent claim 39 is directed toward a computer readable medium having stored thereon sequences of instructions including instructions that will cause a processor to “receive, by the implemented kernel-mode device driver, environmental data via a sensor interface.” Wahl does not disclose these claim elements based on reasoning similar to that discussed with regard to Wahl and claim 1 above. For at least this reason, independent claims 36 and 39 are patentable over Wahl and are believed to be in condition for allowance. New claims 37 and 38 depend from claim 36 and are, therefore, allowable for at least the same reasons as is claim 36.

Lastly, in response to the remarks included in the Amendment filed October 18, 2007, Page 3 of the Office Action states that “it would have been obvious to a person of ordinary skill in the art at the time of invention was to modifying data to be environmental data.” However, Applicant respectfully notes obviousness is not a proper basis for any of the present rejections. Therefore, Applicant respectfully requests that the finality of the previous Office Action be withdrawn as the claims appear to be rejected on an improper basis.

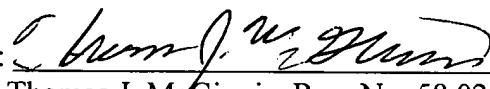
**CONCLUSION**

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this Amendment, including an extension fee that is not covered by any accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. No. A2000-718710.

Respectfully submitted,

*Michael Primm, Applicant*

By:   
Thomas J. McGinnis, Reg. No. 58,026  
Thomas M. Sullivan, Reg. No. 39,392  
LOWRIE, LANDO & ANASTASI, LLP  
One Main Street  
Cambridge, Massachusetts 02142  
United States of America  
Telephone: 617-395-7000  
Facsimile: 617-395-7070

Date: April 11, 2008